

PAUL M. WARNER, United States Attorney (#3389)  
MICHELE M. CHRISTIANSEN, Assistant United States Attorney (#7259)  
JASON P. PERRY, Special Assistant United States Attorney (#8663)  
Attorneys for the United States of America  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111-1506  
Telephone: (801) 524-5682  
Facsimile: (801) 524-6924

FILED WITH

JUL 26 2001

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES  
MAGISTRATE JUDGE  
SAMUEL ALBA

---

UNITED STATES OF AMERICA,	:	MAGIS. NO. A-01-181-M
Plaintiff,	:	C O M P L A I N T
vs.	:	VIOLATION of 18 U.S.C. §
	:	2422(b)
MARK EDWARD THOMAS,	:	COERCION AND ENTICEMENT FOR
Defendant.	:	ILLEGAL SEXUAL ACTIVITY

---

Before the Honorable Samuel Alba, United States  
Magistrate Judge for the District of Utah, appeared the  
undersigned, who on oath deposes and says:

COUNT I

On or about July 25, 2001, in the Central Division of the  
District of Utah,

MARK EDWARD THOMAS

the defendant herein, did knowingly and intentionally, by means  
of a facility of interstate commerce, attempt to persuade,  
induce, entice, and coerce an individual who had not attained the

1

age of 18 years, to engage in sexual activity for which a person can be charged with a criminal offense; all in violation of Title 18, United States Code, Section 2422(b).

This complaint is made on the basis of investigation consisting of the following:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) assigned to the Salt Lake City Division. I have been a SA for over four years. I am currently the FBI's Crimes Against Children (CAC) Coordinator for the State of Utah. Specific training I have received includes attending the Innocent Images on line investigation course, System for the Analysis of Criminal History's, the Investigation of On-Line Child Exploitation course, and CAC in-service training.

2. This affidavit is made in support of a criminal complaint charging Mark Edward Thomas, with enticing a minor for illegal sexual activity on July 25, 2001.

3. On July 25, 2001, Mark Edward Thomas, using the screen name "mark\_thomas801", made contact through a Yahoo! Internet chat room with an undercover agent posing as a thirteen year old girl using the screen name "leslielea4". Thomas used a computer in Salt Lake City, Utah, to engage in this conversation. During the conversation, Thomas stated he wanted to engage in sexual acts with the young girl, which, if completed, would violate Utah Code Ann. § 76-5-404. During the chat on July 25, 2001, Thomas asked the undercover agent if they could meet and engage in these

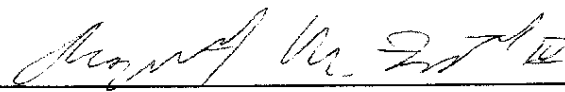
illegal sexual activities in his car. He also made a pornographic image of himself available for this girl to see during this conversation.

4. I know from my past investigative experience and from speaking with representatives from Yahoo!, that Yahoo! is located in the State of California and that any transmission from a Yahoo! user is relayed to and from California. Because Thomas and the undercover agent were in a Yahoo! chat room on July 25, 2001, the sexually explicit communications traveled in interstate commerce.

5. On July 25, 2001, a meeting was arranged between Mark Edward Thomas and the undercover officer posing as a thirteen year old child. On July 25, 2001, Thomas, driving a dark blue Dodge Neon, arrived at the designated time and location and was arrested by law enforcement.

6. During a post-Miranda interview after his arrest, Thomas admitted that he had engaged in a conversation with the girl on Yahoo! using his computer at work. He stated that he used the screen name "mark\_thomas801" to engage in this conversation and admitted to making the pornographic image of himself available for the girl. Thomas further stated that he went to the meeting on July 25, 2001, because he was curious to see if the girl would

actually show up. Thomas brought his nine month old daughter with him to this meeting.

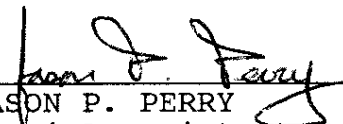
  
AUGUSTUS M. FENNERTY IV,  
Special Agent, FBI

SUBSCRIBED AND SWORN TO BEFORE ME this 26<sup>th</sup> day of July,  
2001.

  
SAMUEL ALBA  
United States Magistrate Judge

APPROVED:

PAUL M. WARNER  
United States Attorney

  
JASON P. PERRY  
Special Assistant United States Attorney

MICHELE M. CHRISTIANSEN  
Assistant United States Attorney